

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Taran Helms,

Case No. 3:22-cv-1557

Plaintiff,

v.

ORDER

Aramark Correctional Services, LLC,

Defendant.

Plaintiff Taran Helms filed this action in the Lucas County, Ohio Court of Common Pleas. (Doc. No. 1-1). Defendant Aramark Correctional Services, LLC removed the action to this court and subsequently filed a Rule 12(b)(6) motion to dismiss Plaintiff's Complaint on September 9, 2022. (Doc. Nos. 1 & 3). Plaintiff then filed a motion to extend the deadline to respond to the Notice of Removal and to file an Amended Complaint. (Doc. No. 4). I granted Plaintiff's motion, extending the time for Plaintiff to respond to Defendant's notice of removal and motion to dismiss until October 17, 2022. (Doc. No. 5).

Although it was not received by the court until October 25, 2022, Plaintiff filed an Amended Complaint postmarked October 14, 2022. (Doc. Nos. 8 & 8-4). In light of the extension I granted, I consider this First Amended Complaint to be a timely filed amended complaint, as a matter of course. Fed. R. Civ. P. 15(a)(1)(B) ("A party may amend its pleading once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.").

"It is well-settled that motions to dismiss are rendered moot upon the filing of an amended complaint." *Doe v. Oberlin Coll.*, No. 1:17cv1335, 2018 WL 10809986, at *2 (N.D. Ohio Feb. 26,

2018) (citing cases). Therefore, I deny Defendant's pending motion to dismiss as moot, (Doc. No. 3), and order Defendant to respond to Plaintiff's First Amended Complaint on or before January 13, 2023.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge